

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 KIMBERLEE D. KING
Deputy Attorney General
4 State Bar No. 141813
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2581
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

FILED

MAY 13 2011

Board of Vocational Nursing
and Psychiatric Technicians

8
9 **BEFORE THE**
10 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. VN-2008-3150

14 **STACEY JACOBO**
15 **4109 Columbia Avenue**
16 **Pico Rivera, CA 90660**

A C C U S A T I O N

Licensed Vocational Nurse No. VN 236339

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in
22 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
23 Technicians, Department of Consumer Affairs.

24 2. On or about August 29, 2008, the Board of Vocational Nursing and Psychiatric
25 Technicians (Board) issued Licensed Vocational Nurse No. VN 236339 to Stacey Jacobo
26 (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to
27 the charges brought herein and will expire on September 30, 2012, unless renewed.

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1 "(f) Conviction of a crime substantially related to the qualifications, functions, and duties
2 of a licensed vocational nurse, in which event the record of the conviction shall be conclusive
3 evidence of the conviction.

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5 "(j) The commission of any act involving dishonesty, when that action is related to the
6 duties and functions of the license.

7 8. Section 2878.6 states:

8 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
9 charge substantially related to the qualification, functions and duties of a licensed vocational
10 nurse is deemed to be a conviction within the meaning of this article. The board may order the
11 license suspended or revoked, or may decline to issue a license, when the time for appeal has
12 elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting
13 probation is made suspending the imposition of sentence, irrespective of a subsequent order under
14 the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of
15 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the
16 accusation, information or indictment."

17 **REGULATORY PROVISIONS**

18 9. California Code of Regulations, title 16, section 2521, states:

19 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
20 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
21 considered to be substantially related to the qualifications, functions or duties of a licensed
22 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
23 vocational nurse to perform the functions authorized by his license in a manner consistent with
24 the public health, safety, or welfare. . ."

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1 **COST RECOVERY**

2 10. Section 125.3 of the Code provides, in pertinent part, that the
3 Board/Registrar/Director may request the administrative law judge to direct a licentiate found to
4 have committed a violation or violations of the licensing act to pay a sum not to exceed the
5 reasonable costs of the investigation and enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Criminal Convictions)**

8 11. Respondent is subject to disciplinary action under section 2878 subdivisions (d) and
9 (f), and section 2878.6, as a result of her convictions of crimes that are substantially related to the
10 qualifications, functions, and duties of a vocational nurse. The circumstances are as follows:

11 a. On or about February 23, 2010, after pleading nolo contendere, Respondent
12 was convicted of one felony count of violating Penal Code section 459 [the entering of a
13 building with intent to commit grand or petit larceny] in the criminal proceeding entitled *The*
14 *People of the State of California v. Stacey Jacobo* (Super. Ct. Los Angeles County, 2010, No.
15 VA112482-013). Additionally, Respondent was convicted of one felony count of violating
16 Penal Code section 530.5, subdivision (a), [the unlawful use of another person's identity to
17 obtain goods and services] in the criminal proceeding entitled *The People of the State of*
18 *California v. Stacey Jacobo* (Super. Ct. Los Angeles County, 2010, No. VA112482-013).

19 The circumstances are that on or about May 18, 2009, Respondent entered
20 Nordstrom's, with the intent to commit a larceny. On that day, Respondent unlawfully used
21 false information and the personal identification of Rachel L. to purchase merchandise in the
22 name of Rachel L.

23 b. On or about March 15, 2010, after pleading guilty, Respondent was convicted
24 of three misdemeanor counts in the Superior Court of Orange County. The first count was for
25 violating Penal Code section 459-460 subdivision (b) [the entering of a building with intent to
26 commit grand or petit larceny in the second degree] in the criminal proceeding entitled *The*
27 *People of the State of California v. Stacey Jacobo* (Super. Ct. Orange County, 2010, No. BPD09-
28 4614). The second count was for one misdemeanor count of violating Penal Code section 530.5

1 subdivision (a) [the unlawful use of another person's identity to obtain goods and services] in the
2 criminal proceeding entitled *The People of the State of California v. Stacey Jacobo* (Super. Ct.
3 Orange County, 2010, No. BPD09-4614).

4 The circumstances of the two aforementioned convictions are that on or about May
5 17, 2009, Respondent entered The Guitar Center, with the intent to commit a larceny. On that
6 day, Respondent unlawfully used false information and the personal identification of Rachel L. to
7 purchase merchandise in the name of Rachel L.

8 Finally, the third count was for violating Penal Code section 459-460 subdivision (b)
9 [the entering of a building with intent to commit grand or petit larceny in the second degree] in
10 the criminal proceeding entitled *The People of the State of California v. Stacey Jacobo* (Super. Ct.
11 Orange County, 2010, No. BPD09-4614). The circumstances are that on or about May 30, 2009,
12 Respondent unlawfully entered a Nordstrom's with the intent to use false information and the
13 personal identification of Rachel L. to purchase merchandise in the name of Rachel L.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct)**

16 12. Respondent is subject to disciplinary action under section 2878 subdivision (a), for
17 engaging in unprofessional conduct. Complainant refers to and incorporates all the allegations
18 contained in paragraph 11, inclusive, as though set forth fully.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Dishonest Acts)**

21 13. Respondent is subject to disciplinary action under section 2878, subdivision (j), for
22 committing dishonest acts. Complainant refers to and incorporates all the allegations contained in
23 paragraph 11, as though set forth fully.

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28 **PRAYER**

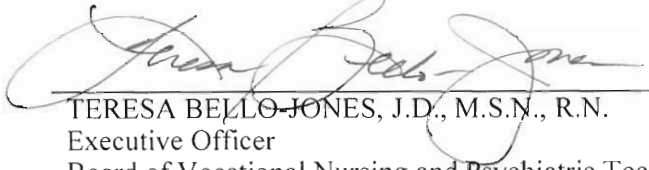
1 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
2 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
3 issue a decision:

4 1. Revoking or suspending Licensed Vocational Nurse No. VN 236339, issued to
5 Stacey Jacobo;

6 2. Ordering Stacey Jacobo to pay the Board of Vocational Nursing and Psychiatric
7 Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to
8 Business and Professions Code section 125.3; and

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: May 13, 2011.

11 
12 TERESA BELLO-JONES, J.D., M.S.N., R.N.
13 Executive Officer
14 Board of Vocational Nursing and Psychiatric Technicians
15 Department of Consumer Affairs
16 State of California
17 Complainant

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